

REMARKS / ARGUMENTS

The claims stand restricted as follows:

- I. Claims 3-6, 8-10 and 23-26, allegedly drawn to an apparatus, classified in class 29, subclass 592.1.
- II. Claims 2, 7, and 11, allegedly drawn to a process of use of the apparatus, classified in class 29, subclass 830.

Applicants hereby elect Group I, Claims 3-6, 8-10, and 23-26, *with traverse*, respectfully traversing the Election / Restriction requirement for the following reasons.

Applicants respectfully submit that while the invention of Group I is directed to an apparatus and the invention of Group II is directed to a process, the invention of Group II is directed to a process of use of the apparatus of Group I, and therefore, the invention of Group II cannot be practiced without practicing the invention of Group I. As a result, Applicants respectfully submit that a searching of Group II would necessarily encompass a searching of Group I, thereby removing the requisite “substantial burden” on the Examiner for maintaining the restriction action. Accordingly, Applicants respectfully request withdrawal of the restriction requirement and examination of all of the claims in this application.

For at least this reason, the Restriction Requirement dated April 18, 2007 is wholeheartedly traversed, and removal of the Requirement, at least with respect to the improper groupings noted above, is respectfully requested. As always, the Examiner is cordially invited to contact the undersigned by telephone to resolve any issues that remain.

Additionally, Applicants respectfully submit that the Examiner appears to have improperly construed Claim 7 as a method claim for inclusion within Group II.

Applicants submit that Claim 7, which recites “The apparatus of claim 23 wherein said *fusion includes a laser weld*.” is a structural limitation of Claim 23, which describes and limits the *structure* of the *fusion* to include a laser weld, and is not properly included as a method claim within Group II.

Accordingly, Applicants respectfully submit that Claim 7 is drawn to the apparatus of Group I, and respectfully requests reconsideration of the Groups to include Claim 7 within Group I.

Further, Applicants have provided herewith an amendment to Claim 2, which now recites and limits the structure of the fusion to include a binder material.

Applicants submit that amended Claim 2, which recites “The apparatus of claim 23, wherein *said fusion includes a binder material...*” is a structural limitation of Claim 23, which describes and limits the *structure* of the *fusion* to include a binder material, and should not be included as a method claim within Group II.

In view of the amendment, Applicants respectfully submit that amended Claim 2 is now drawn to the apparatus of Group I, and respectfully requests reconsideration of the Groups to include Claim 2 within Group I.

Applicants note the Examiner’s paragraph 4 in the office action. However, Applicants are aware of no statutory requirement or regulation requiring Applicants to provide reference numerals to the claims of an application for patent in the United States. In view hereof, Applicants’ attorneys believe that the application as originally filed fully complies with the statutory requirements of 35 U.S.C. Applicants therefore request withdrawal of the request to provide reference numerals to all the claimed limitations.

In the event the Examiner maintains that the election/restriction requirement is proper, Applicants understand that the scope of search for examination purposes of the elected claims will not include class 29, subclass 830. In the event of reconsideration by the Examiner to include a search of class 29, subclass 830, for examination of the elected claims, Applicants respectfully requests reinstatement of the non-elected claims, as the burden on the Examiner (relating to a search of an additional class/subclass) would have been removed under the Examiner’s own initiative.

CONCLUSION

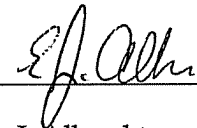
Consideration and allowance of these claims are respectfully requested. The foregoing is believed to be fully responsive to this office action.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above identified Deposit Account.

Respectfully submitted,
Peter Damion Bellis et al.

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By  _____

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